STATE OF NEW YORK

4049

2021-2022 Regular Sessions

IN ASSEMBLY

February 1, 2021

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Environmental Conservation

AN ACT to establish the New York state reforest, restore and sustainable agriculture commission

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative intent. The state of New York, the nation and the world are facing a climate emergency. There has been a dramatic loss of forests and ecological habitat worldwide. A summary report issued in May 2019 by the intergovernmental science-policy platform on biodiversity and ecosystem services of the United Nations concludes that human activity is leading an unprecedented number of species into extinction which are critical for human survival. Human-made climate change is a result of increased greenhouse gases, including carbon dioxide. Forests and other ecosystems act as natural carbon sinks, which absorb carbon and reduce the impact of climate change. The commission shall seek to find out the extent of such loss and to make recommendations for their preservation, conservation, mitigation, restoration and expansion for the purpose of stopping climate catastrophe, ensuring clean water, air and land for the public health and strong economy, promoting outdoor recreation and preserving our natural resources and cultural heritage.

§ 2. A temporary state commission, to be known as the New York state reforest, restore and sustainable agriculture commission, hereafter referred to as the commission, is hereby created to evaluate and make recommendations concerning the reforestation and restoration of forests and ecological habitats in the state of New York.

§ 3. (a) The commission shall consist of seventeen members, to be appointed as follows: four members to be appointed by the governor; three members to be appointed by the temporary president of the senate; three members to be appointed by the speaker of the assembly; one member to be appointed by the minority leader of the senate; one member to be

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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appointed by the minority leader of the assembly; one member to be appointed by the commissioner of environmental conservation or his or her designee; one member to be appointed by the commissioner of agriculture and markets or his or her designee; one member to be appointed by the commissioner of the office of parks, recreation and historic preservation or his or her designee; one member to be appointed by the executive director of the Adirondack park agency or his or her designee; and one member to be appointed by the director of the canal corporation or his or her designee. The governor shall designate the chairperson of the commission. Vacancies in the membership of the commission and among its officers shall be filled in the manner provided for original appointments or designations.

(b) The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties under this act. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of its functions and fix their compensation within the amounts made available by appropriation therefor.

(c) The department of environmental conservation shall provide the commission such facilities, assistance, and data as will enable the commission to carry out its powers and duties. Additionally, all other departments or agencies of the state or subdivisions thereof shall, at the request of the chairperson, provide the commission such facilities, assistance, and data as will enable the commission to carry out its powers and duties.

§ 4. The commission shall evaluate and make recommendations on the following three major areas:

(a) Forests and ecological habitats. Explore the extent of loss or degradation of forests and ecological habitats, including wildlife, both flora and fauna in the state of New York and find ways to mitigate, restore and prevent future loss and degradation of such forests and habitats.

(b) Preservation and restoration of other natural resources and ecological habitats, including both flora and fauna wildlife, in the state of New York. The commission shall research the loss and degradation of natural resources other than forests, including wetlands, streams, rivers, lakes, ponds, coastlines, waterways, grasslands and open spaces generally. Open space shall be defined as an area of land or water that either remains in its natural state or is used for agriculture, free from intensive development for residential, commercial, industrial or institutional use. Open space can be publicly or privately owned and shall include agricultural and forest land, undeveloped coastal and estuarine lands, undeveloped scenic lands, public parks and preserves. It shall also include bodies of water such as lakes and bays.

(c) Sustainable agriculture. The commission shall investigate various forms of sustainable agriculture as defined in 7 USC 3103 as an integrated system of plant and animal production practices having a site-specific application that will over the long term satisfy human food and fiber needs, enhance environmental quality and the natural resource base upon which the agricultural economy depends, make efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls, sustain the economic viability of farm operations and enhance the quality of life for farmers and society overall. The basic goals of sustainable agriculture shall be environmental health, economic profitability, and social and economic equity, seek to better the conditions and treatment of farmworkers,

including migrant workers, improve the humane treatment of farm animals, and explore "carbon farming", which shall mean farming methods which reduce greenhouse gas emissions and/or capture and hold carbon in vegetation and soils. Carbon farming shall cover small changes in land management, such as introducing no-till cropping, stubble retention, agroforestry, or methane-reducing feed supplements.

§ 5. (a) For the accomplishment of its purposes, the commission may meet and hold public and/or private hearings within or without the state, and shall have all the powers of a legislative committee pursuant to the legislative law. The commission is authorized and empowered to undertake any studies, inquiries, surveys or analyses it may deem relevant through its own personnel or in cooperation with or by agreement with any other public or private agency.

(b) To the maximum extent feasible, the commission may request and shall be entitled to receive and shall utilize and be provided with such facilities, resources and data from any court in the state and from any subdivision, department, board, bureau, commission, office, agency or other instrumentality of the state or of any political subdivision thereof as it deems necessary or desirable for the proper execution of its powers and duties and to effectuate the purposes set forth in this act.

(c) The commission is hereby authorized and empowered to enter into any agreements and to do and perform any acts that may be necessary, desirable or proper to carry out the purposes and objectives of this act.

§ 6. The commission shall make recommendations and a report of its findings. The commission shall submit such recommendations and report developed by it relating to issues involving: (a) the reforestation and restoration of forests and ecological habitats in the state of New York; (b) the preservation and restoration of other natural resources and ecological habitats, including wildlife, both flora and fauna, in the state of New York; and (c) the promotion of sustainable agriculture in the state of New York. The report shall include any recommendations for legislative action as it may deem necessary and appropriate, to the governor, the temporary president of the senate and the speaker of the assembly no later than December 1, 2022.

§ 7. This act shall take effect immediately.